

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 01/24/2022

Jason M. Drangel (JD 7204)

[jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)

Ashly E. Sands (AS 7715)

[asands@ipcounselors.com](mailto:asands@ipcounselors.com)

Danielle S. Futterman (DY 4228)

[dfutterman@ipcounselors.com](mailto:dfutterman@ipcounselors.com)

EPSTEIN DRANGEL LLP

60 East 42<sup>nd</sup> Street, Suite 2520

New York, NY 10165

Telephone: (212) 292-5390

Facsimile: (212) 292-5391

Brian Igel (BI 4574)

[bigel@bilawfirm.com](mailto:bigel@bilawfirm.com)

BELLIZIO + IGEL PLLC

One Grand Central Place

305 Madison Avenue, 40<sup>th</sup> Floor

New York, New York 10165

Telephone: (212) 873-0250

Facsimile: (646) 395-1585

*Attorneys for Plaintiff*

*Off-White, LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OFF-WHITE LLC,

*Plaintiff*

v.

AIILLIWE, AMASHIUSA, CHEN SHULING'S,  
COZY-US, DAUDAN700, DHNINE, DW TECH  
LIMITED., EAST DEACONS, FHSJ, FRSHALOUIS,  
GORIMR,  
GUANGZHOUWANGPUMA OYIYOUXIANGON,  
HAOMAISHANGMAO, HENGRUIQI FINANCIAL  
CONSULTING, HONG KONG FORTUNE SWING  
ELECTRONICS CO., LIMITED, JUSCH, KANGBLI,  
KEUCHIMN, LEMINXIAODIAN,  
MEIXUEYUETISHANGMAOYOUXIANGONGSI,  
MENGCHENGXIANQUNRUISHANGMAOYOUXI  
ANGONGSI, MORETOMATOES, NEW ENERGY  
REAL ESTATE(HK)LIMITED., NSCY BOUTIQUE

CIVIL ACTION No.  
21-cv-5858 (LAK)

~~PROPOSED~~  
FINAL DEFAULT JUDGMENT  
AND PERMANENT  
INJUNCTION ORDER

GROCERY STORE, NUANTONG, PANLAX,  
QUANZHOU FUXI CATERING CO., LTD.,  
RAOWEYAO, REDPOWAI, RENRUYI AUTO  
BEAUTY SHOP, SHENLIHONGDERR,  
SHENYTYTIOY, SHIEHER, SPNDNFE,  
TAIXINGUI, TRADITIONES, TUOSHENG V  
STORE, UTRATEONGS, WIKD,  
XIEJUANDUJIANZHUCAILIAO,  
XIUYANMANZUZIZHIXIANWEICHENGXINGBAI  
HUODIAN,  
YIWUJINSHANGYILIAOQIXIEYOUXIANGONGSI  
, YIWUXIANGYUFUSHIYOUXIANGONGSI, YOU  
ZHI QING, YPDKJ, YYSWEOKP,  
ZHANGXIAOQINGSDAY, ZHIXUEGAINIAN,  
ZHOUZONGJINLXX and ZXMYBDZXM369















*Defendants*






**GLOSSARY**

<b><u>Term</u></b>	<b><u>Definition</u></b>	<b><u>Docket Entry Number</u></b>
<b>Plaintiff or Off-White</b>	Off-White LLC	N/A
<b>Defendants</b>	<p>AIILLIWE, Amashiusa, chen shuling's, Cozy-us, daudan700, DHnine, DW Tech Limited., East deacons, fhsj, FRSHALOUIS, gorimr, guangzhouwangpumaoyiyouxiangon, haomaishangmao, Hengruiqi financial consulting, Hong Kong Fortune Swing Electronics Co., Limited, JUSCH, KangBLi, KeuChimn, leminxiaodian, meixueyuetishangmaoyouxiangongsi, MengChengXianQunRuiShangMaoYouXianGongSi, Moretomatoes, New Energy Real Estate(HK)Limited., Nscy Boutique Grocery Store, NUANTONG, Panlax, Quanzhou Fuxi Catering Co., Ltd., raoweiyaoyao, redpowair, Renruiyi auto beauty shop, shenlihongderr, shenytytioy, shieher, Spndnfe, Taixingui, traditiones, Tuosheng V Store, Utrateongs, WikD, xiejuandujianzhucailiao, XiuYanManZuZiZhiXianWeiChengXingBaiHuoDian, yiwujinshangyiliaoxixieyouxiangongsi, yiwuxiangyufushiyouxiangongsi, you zhi qing, YPDKJ, yysweokp, zhangxiaoqingsday, zhixuegainian, zhouzongjinlkx and ZXMYBDZXM369</p>	N/A
<b>Defaulting Defendants</b>	<p>AIILLIWE, Amashiusa, chen shuling's, Cozy-us, daudan700, DHnine, DW Tech Limited., East deacons, fhsj, gorimr, guangzhouwangpumaoyiyouxiangon, haomaishangmao, Hengruiqi financial consulting, Hong Kong Fortune Swing Electronics Co., Limited, JUSCH, KangBLi, KeuChimn, leminxiaodian, meixueyuetishangmaoyouxiangongsi, MengChengXianQunRuiShangMaoYouXianGongSi, Moretomatoes, New Energy Real Estate(HK)Limited., Nscy Boutique Grocery Store, NUANTONG, Panlax, Quanzhou Fuxi Catering Co., Ltd., raoweiyaoyao, redpowair, Renruiyi auto beauty shop, shenlihongderr, shenytytioy, shieher, Spndnfe, Taixingui, traditiones, Tuosheng V Store, Utrateongs, WikD, xiejuandujianzhucailiao, XiuYanManZuZiZhiXianWeiChengXingBaiHuoDian, yiwujinshangyiliaoxixieyouxiangongsi, yiwuxiangyufushiyouxiangongsi, you zhi qing, YPDKJ,</p>	N/A

	yysweokp, zhangxiaoqingsday, zhixuegainian, zhouzongjinlkx and ZXYBDZXM369	
<b>Amazon</b>	Amazon.com, a Seattle, Washington-based, online marketplace and e-commerce platform owned by Amazon.com, Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York	N/A
<b>Sealing Order</b>	Order to Seal File entered on July 2, 2021	Dkt. 1
<b>Complaint</b>	Plaintiff's Complaint filed on July 8, 2021	Dkt. 6
<b>Application</b>	Plaintiff's <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i> ) and Defendants' Assets (as defined <i>infra</i> ) with the Financial Institutions (as defined <i>infra</i> ); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on July 8, 2021	Dkts. 10-13
<b>Abloh Dec.</b>	Declaration of Virgil Abloh in Support of Plaintiff's Application	Dkt. 12
<b>Futtermann Dec.</b>	Declaration of Daniele S. Futtermann in Support of Plaintiff's Application	Dkt. 13
<b>TRO</b>	1) Temporary Restraining Order; 2) Order Restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) Order to Show Cause Why a Preliminary Injunction Should Not Issue; 4) Order Authorizing Bifurcated and Alternative Service; and 5) Order Authorizing Expedited Discovery entered on July 9, 2021	N/A
<b>PI Show Cause Hearing</b>	August 25, 2021 hearing to show cause why a preliminary injunction should not issue	N/A
<b>PI Order</b>	August 25, 2021 Preliminary Injunction Order	Dkt. 15
<b>Off-White Products</b>	A young, successful luxury fashion label founded by American creative designer Virgil Abloh, specializing in men's and women's lifestyle and high-end streetwear, as well as shoes, accessories, jewelry, homeware and other ready-made goods	N/A
<b>Off-White Registrations</b>	U.S. Trademark Registration Nos.: 5,119,602 for "OFF WHITE" for a variety of goods in Class 25 with a constructive date of first use of January 25, 2012; 5,713,397 for "OFF-WHITE" for a variety of goods in	N/A



	<p>Class 25; 5,710,328 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 9; 5,572,836 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 25; 5,710,287 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 14;</p> <p>5,150,712 for  for a variety of goods in Class 18 and 25; 5,710,288 for  for a variety of goods in</p> <p>Class 14; 5,307,806 for  for a variety of goods in Class</p> <p>18 and 25; 5,835,552 for  for a variety of goods</p> <p>in Class 9; 5,387,983 for  for a variety of goods</p> <p>in Class 25; 5,445,222 for  for a variety of goods</p> <p>in Class 25; 5,800,414 for  for a variety of goods</p> <p>in Class 9 and 25; 5,681,805 for  for a variety of</p> <p>goods in Class 9; 5,663,133 for  for a variety</p> <p>of goods in Class 25; 6,054,044 for  for a variety</p> <p>of goods in Class 25; 6,272,565 for  for a variety</p> <p>of goods in Class 25; 6,290,768 for  for a</p> <p>variety of goods in Class 25; 6,114,562 for  for</p> <p>a variety of goods in Class 25; 6,131,346 for  for a variety of goods in Class 18;</p>	
--	--	--

	 6,035,585 for  for a variety of goods in Class 25; and 6,137,880 for   for a variety of goods in Class 25	
<b>Off-White Application</b>	 U.S. Trademark Serial Application No. 88/041,456 for , for a variety of goods in Class 18 and Class 25	N/A
<b>Off-White Marks</b>	The Marks covered by the Off-White Registrations and Off-White Application	N/A
<b>Counterfeit Products</b>	Products bearing or used in connection with the Off-White Marks, and/or products in packaging and/or containing labels bearing the Off-White Marks, and/or bearing or used in connection with marks that are confusingly similar to the Off-White Marks and/or products that are identical or confusingly similar to the Off-White Products	
<b>Infringing Listings</b>	Defendants' listings for Counterfeit Products	N/A
<b>User Accounts</b>	Any and all websites and any and all accounts with online marketplace platforms such as Amazon, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
<b>Merchant Storefronts</b>	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
<b>Defendants' Assets</b>	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)	N/A
<b>Defendants' Financial Accounts</b>	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)	N/A

<b>Financial Institutions</b>	Any banks, financial institutions, credit card companies and payment processing agencies, such as Amazon.com, Inc., Amazon Payments, Inc. ("Amazon Pay"), PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants	N/A
<b>Third Party Service Providers</b>	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by Amazon, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise	N/A
<b>Defendants' Frozen Assets</b>	Defendants' Assets from Defendants' Financial Accounts that were and/or are attached and frozen or restrained pursuant to the TRO and/or PI Order, or which are attached and frozen or restrained pursuant to any future order entered by the Court in this Action	N/A
<b>Plaintiff's Motion for Default Judgment</b>	Plaintiff's Motion for Default Judgment and a Permanent Injunction Against Defaulting Defendants filed on December 8, 2021	TBD
<b>Futtermann Aff.</b>	Affidavit by Danielle S. Futtermann in Support of Plaintiff's Motion for Default Judgment	TBD



This matter comes before the Court by motion filed by Plaintiff for the entry of final judgment and permanent injunction by default against Defaulting Defendants for Defaulting Defendants' trademark infringement, trademark counterfeiting, false designation of origin, passing off and unfair competition and related state and common law claims arising out of Defaulting Defendants' unauthorized use of Plaintiff's Off-White Marks including, without limitation, in their manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying or offering for sale and/or selling and/or sale of Counterfeit Products.<sup>1</sup>

The Court, having considered the Memorandum of Law and Affidavit of Danielle S. Futterman in support of Plaintiff's Motion for Default Judgment and a Permanent Injunction Against Defaulting Defendant, the Certificates of Service of the Summons and Complaint, the Certificate of the Clerk of the Court stating that no answer has been filed in the instant action, and upon all other pleadings and papers on file in this action, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

**I. Defaulting Defendants' Liability**

- 1) Judgment is granted in favor of Plaintiff on all claims properly pled against Defaulting Defendants in the Complaint;

**II. Damages Awards**

- 2) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that because it would serve both the compensatory and punitive purposes of the Lanham Act's prohibitions on willful infringement, and because Plaintiff has sufficiently set forth the basis for the statutory damages against each of the Defaulting Defendants pursuant to Section 15 U.S.C. § 1117(c) of the

---

<sup>1</sup> Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.



Lanham Act as follows (“Defaulting Defendants’ Individual Damages Award”), plus post-judgment interest, as follows:

DEFAULTING DEFENDANT	STATUTORY DAMAGES
AIILLIWE	\$100,000.00
Amashiusa	\$100,000.00
chen shuling’s	\$100,000.00
Cozy-us	\$200,000.00
daudan700	\$1,000,000.00
DHnine	\$100,000.00
DW Tech Limited.	\$200,000.00
East deacons	\$300,000.00
fhsj	\$100,000.00
gorimr	\$200,000.00
guangzhouwangpumaoyiyouxiangon	\$100,000.00
haomaishangmao	\$800,000.00
Hengruiqi financial consulting	\$100,000.00
Hong Kong Fortune Swing Electronics Co., Limited	\$100,000.00
JUSCH	\$100,000.00
KangBLi	\$300,000.00
KeuChimn	\$300,000.00
leminxiaodian	\$200,000.00
meixueyuetishangmaoyouxiangongsi	\$800,000.00
MengChengXianQunRuiShangMaoYouXianGongSi	\$200,000.00
Moretomatoes	\$100,000.00
New Energy Real Estate(HK)Limited.	\$100,000.00
Nscy Boutique Grocery Store	\$200,000.00
Panlax	\$300,000.00
Quanzhou Fuxi Catering Co., Ltd.	\$100,000.00
raoweiyaoyao	\$100,000.00
redpowair	\$100,000.00
Renruiyi auto beauty shop	\$100,000.00
shenlihongderr	\$200,000.00
shenytytioy	\$100,000.00
shieher	\$100,000.00
Spndnfe	\$100,000.00
Taixingui	\$100,000.00
traditiones	\$100,000.00
Tuosheng V Store	\$300,000.00
Utrateongs	\$100,000.00
WikD	\$100,000.00
xiejuandujianzhucailliao	\$100,000.00
XiuYanManZuZiZhiXianWeiChengXingBaiHuoDian	\$100,000.00
yiwujinshangyiliaoxiqixieyouxiangongsi	\$100,000.00

yiwuxiangyufushiyouxiangongsi	\$100,000.00
you zhi qing	\$200,000.00
YPDKJ	\$200,000.00
yysweokp	\$100,000.00
zhangxiaoqingsday	\$100,000.00
zhixuegainian	\$300,000.00
zhouzongjinlkx	\$100,000.00
ZXMYBDZXM369	\$800,000.00

### III. Permanent Injunction

3) IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defaulting Defendants,

their respective officers, agents, servants, employees, and all persons acting in concert with Defaulting Defendants, who receive actual notice of this Order are permanently enjoined and restrained from:

- A. manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products;
- B. directly or indirectly infringing in any manner Plaintiff's Off-White Marks;
- C. using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Off-White Marks to identify any goods or services not authorized by Plaintiff;
- D. using Plaintiff's Off-White Marks, or any other marks that are confusingly similar to the Off-White Marks on or in connection with the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in the Counterfeit Products;
- E. secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products; (ii) any computer files, data, business records, documents or any other records or evidence relating to:
  - i. Defaulting Defendants' User Accounts and/or Merchant Storefronts;
  - ii. Defaulting Defendants' Assets; and

iii. the manufacture, importation, exportation, advertising, marketing, promotion,  
~~distribution, display, offering for sale and/or sale of Counterfeit Products by~~

Defaulting Defendants and by their respective officers, employees, agents,  
servants and all persons in active concert or participation with any of them; and

F. effecting assignments or transfers, forming new entities or associations, or creating  
and/or utilizing any other platform device for the purposes of circumventing or  
otherwise avoiding the prohibitions set forth in this Order.

- 4) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defaulting Defendants must deliver up for destruction to Plaintiff any and all Counterfeit Products and any and all packaging, labels, tags, advertising and promotional materials and any other materials in the possession, custody or control of Defaulting Defendants that infringe Plaintiff's Off-White Marks, or bear any marks that are confusingly similar to the Off-White Marks pursuant to 15 U.S.C. § 1118.

**IV. Dissolution of Rule 62(a) Stay**

- 5) IT IS FURTHER ORDERED, as sufficient cause has been shown, the 30 day automatic stay on enforcing Plaintiff's judgment, pursuant to Fed. R. Civ. Pro. 62(a) is hereby dissolved.

**V. Miscellaneous Relief**

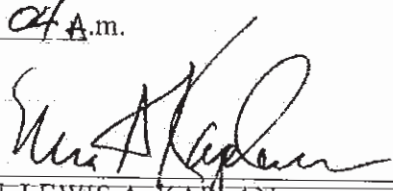
- 6) Any failure by Defaulting Defendants to comply with the terms of this Order may be deemed contempt of Court, subjecting Defaulting Defendants to contempt remedies to be determined by the Court;
- 7) The Court releases the Seventy-Five Thousand U.S. Dollar (\$75,000.00) security bond that Plaintiff submitted in connection with this action to counsel for Plaintiff, Epstein Drangel, LLP, 60 East 42<sup>nd</sup> Street, Suite 2520, New York, NY 10165; and



8) This Court shall retain jurisdiction over this matter and the parties in order to construe and enforce this Order.

**SO ORDERED.**

SIGNED this 22<sup>d</sup> day of January, ~~2021~~<sup>2022</sup>, at 9:04 A.m.

  
HON. LEWIS A. KAPLAN  
UNITED STATES DISTRICT JUDGE